

REMARKS

In view of the amendments and remarks that follow, Applicants respectfully submit that the application is in condition for allowance. Accordingly, applicants request reconsideration of the application, withdrawal of the rejections and objections of record and issuance of a Notice of Allowance.

The Office again notes that Claims 1-7, 16 and 17 are pending in the application, all of which stand rejected for the reasons of record. However, the Office again appears to have missed new Claim 18 added in the response dated June 25, 2007, which includes a long list of species of the invention. Claims 2, 3, 16, 17 and 18 have been amended and Claim 1 has been canceled to put the claims in condition for allowance.

Claim Objections

Applicants acknowledge the Office's comments that the objection of Claims 1 and 17 can be overcome by the proposed modification of Claim 1 which involves the cancellation of Claim 1.

Applicants have canceled claim 1 to remove the objection and put the application in condition for allowance.

Rejections Under 35 U.S.C. § 112, first paragraph

The Office notes that the rejection of Claims 1-7 and 16 under 35 U.S.C. § 112, first paragraph, can be overcome by "the proposed modification of Claim 1 – cancellation of the claim". Claim 1 has been canceled to overcome this ground of rejection and put the application in condition for allowance.

Rejections Under 35 U.S.C. § 112, second paragraph

The Office notes that the rejection of Claim 17 under 35 U.S.C. § 112, second paragraph, can be overcome by "the proposed modification of Claim 17". However, the Office neglects to state what this modification would consist of and clearly does not fulfill the requirements of 35 USC 132 (a).

Nevertheless, applicant has amended Claim 17 by converting it to an independent claim to put the application in condition for allowance.

Rejections Under 35 U.S.C. § 102

The rejection of Claims 1 and 2 under 35 U.S.C. § 102 (b) as being anticipated by Plattner, U.S. Patent 4,389,416, is maintained for the reasons of record on 3/23/07.

The Office notes Applicants' arguments but considers them non-persuasive. The Office continues by pointing to a particular substituent for R1 that can be found in the prior art.

Applicants have canceled Claim 1 and amended all claims depending thereon to depend on newly independent claim 17 which does not contain the R1 group that the Office claims can be found in the prior art. Additionally, Claim 18 has been amended to remove the single compound that would not be considered to fall within the scope of Claim 17.

The cancellation of Claim 1 and amendments to Claims 17 and 18 is considered to overcome the rejection under 102(b) and withdrawal of this ground of rejection is respectfully requested.

In view of the foregoing, Applicants submit that the application, as amended, is in condition for allowance and courteously solicit a Notice of Allowance.

If any fee due is not accounted for herein, please charge such fee to Deposit Account No. 19-3880. If any extension of time is required and not petitioned for, such extension is hereby petitioned for, and it is requested that any fee due in connection therewith be charged to the aforementioned Deposit Account.

If a direct personal communication would advance the prosecution of this application, please contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

/Elliott Korsen, Reg.# 32705/
Elliott Korsen
for Applicants
Reg. No. 32,705

Date: April 3, 2008
Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-4741